Comment on GN 25-133

RE: Removal of Covered List Requirements from Equipment Authorization Process

The requirements for the covered list have been incorporated into the equipment authorization process. However, when it comes to certification, the responsibility for enforcing these requirements falls on TCBs, which lack the authority to enforce them.

To be more effective, covered list requirements should be linked to grantee registration before equipment authorization and enforced at customs during product importation. Imposing these requirements at the certification stage places an unnecessary burden on all manufacturers, despite the fact that only a small number of entities pose a genuine threat to U.S. security.

These requirements also assume that certification bodies can accurately assess complex foreign corporate ownership structures. In reality, this is both impractical and impossible for any non-governmental entity. The core issue the USTR and FCC are addressing is the presence of bad actors introducing security-compromising equipment into the market. But does the USTR and FCC truly expect such entities to be forthcoming in their attestations regarding compliance with covered list requirements during certification? Any foreign entity intending to illegally collect data or threaten U.S. infrastructure would not make its intentions apparent to a private certification body. This raises serious doubts about the effectiveness of implementing covered list requirements within the equipment authorization program.

The FCC already has mechanisms to block known bad actors from obtaining equipment authorizations and has established vetting procedures to prevent these entities from securing new grantee codes. Additionally, importation authorities have access to USTR restrictions, making them better suited to determine at the border whether certain products should enter the U.S. As a result, the covered list requirements only serve to increase compliance burdens on legitimate manufacturers while doing little to enhance national security.

For these reasons, the FCC should remove all covered list requirements related to the equipment authorization process, particularly within the certification framework.

Respectfully submitted,
Randy Clark,
CKC Certification Services, LLC.